

### **REMARKS/ARGUMENTS**

Reconsideration of this application in light of the above amendments is courteously solicited.

In response to the Examiner's objection to the specification and rejection of claim 10 as set forth on Page 2 of the his office action dated August 27, 2003, Applicants have amended the specification on Page 6 so as to delete the previously made addition of "sodium acetate". Claim 10 has been cancelled without prejudice.

Applicants are compelled to comment that they believe the Examiner's objection and rejection under 35 U.S.C. 112, first paragraph was without merit. Clearly, the inclusion in the specification and claims of the phrase "acetate chloride" rather than "sodium acetate" was an obvious typographical error. There is no such compound as acetate chloride. Acetate chloride is not a salt. Clearly, from a fair reading of the portion of the specification in question, it is recited potassium chloride, sodium chloride, potassium acetate, acetate chloride. Clearly acetate chloride was a typographical error and sodium acetate was intended. This follows logically from the recitation of potassium chloride, sodium chloride, and potassium acetate. However, Applicants have elected to delete the added recitation from Page 6 of the instant specification.

Applicants have amended by the instant amendment by the independent claim 1 so as to include the specifics of the foamable drilling fluid of the present invention. Claims 1 and 21 now set forth the particular surfactant, the particular salt, the particular polymer and the specific amounts of the polymer surfactant and salt in the fluid of the present invention. Claims 1 and 21 as amended clearly define over both the '735 and the '209 patents under 35 U.S.C. 102. In addition, it is submitted that the foamable drilling fluids as claimed are patentable over the aforesaid references under 35 U.S.C. 103. The specific composition of the drilling fluid and the

claimed amounts of the polymer surfactant and salt are not disclosed or rendered obvious by the sum total teachings of the prior art references. For the Examiner to hold that independent claims 1 and 21 are rendered obvious by the '735 and 209 patents, whether taken alone or in combination, would be untenable. Accordingly, it is respectfully submitted that independent claims 1 and 21 and the claims which depend therefrom patentable define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on November 21, 2003

  
Rachel Piscitelli